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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FEDERAL HOUSING FINANCE AGENCY,
in its capacity as Conservator of Federal
National Mortgage Association and Federal
Home Loan Mortgage Corporation;
FEDERAL NATIONAL MORTGAGE
ASSOCIATION; FEDERAL HOME LOAN
MORTGAGE CORPORATION;
JPMORGAN CHASE BANK, N.A.;
DITECH FINANCIAL LLC; NATIONSTAR
MORTGAGE, LLC; BAYVIEW LOAN
SERVICING LLC; and BANK OF
AMERICA, N.A.,

Plaintiffs,

vs.

THUNDER PROPERTIES, INC.,

Defendant.

CASE NO.: 3:16-cv-00461-RCJ-WGC

[PROPOSED] FINAL JUDGMENT

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
JUL 12 2017	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY: _____	DEPUTY

1 Final judgment is hereby entered in favor of Plaintiffs. Plaintiffs are entitled to summary
2 judgment on their quiet title claim pursuant to *Bourne Valley Court Trust v. Wells Fargo Bank,*
3 *N.A.*, 832 F.3d 1154 (9th Cir. 2016), which holds that NRS Chapter 116's opt-in notice scheme
4 for homeowners' association foreclosure sales is facially unconstitutional under the Due Process
5 Clause of the Fourteenth Amendment of the United States Constitution.

6 The homeowners' association foreclosure sales at issue here did not affect or extinguish
7 the deeds of trust encumbering the following properties:

- 8 1. 1013 Ringneck Way, Sparks, Nevada - APN 530-342-05
- 9 2. 10527 Meeks Bay Court, Reno, Nevada - APN 160-684-10
- 10 3. 13131 Mount Logan Street, Reno, Nevada - APN 086-754-14
- 11 4. 13483 Mount Whitney Street, Reno, Nevada - APN 086-748-07
- 12 5. 1691 York Way, Sparks, Nevada - APN 027-490-02
- 13 6. 2300 Dickerson Road, Unit 13, Reno, Nevada - APN 006-300-06
- 14 7. 6850 Sharlands Avenue, Unit L-1072, Reno, Nevada - APN 212-078-27
- 15 8. 872 Tanager Street, No. 38, Incline Village, Nevada - APN 132-560-21
- 16 9. 9471 Canyon Meadows Drive, Reno, Nevada - APN 550-294-11
- 17 10. 8870 Dixon Lane, Reno, Nevada - APN 043-102-13
- 18 11. 7013 Voyage Drive, Sparks, Nevada - APN 526-533-06
- 19 12. 2845 Idlewild Drive, Unit 110, Reno, Nevada - APN 010-536-04
- 20 13. 5342 Desert Peach Drive, Sparks, Nevada - APN 516-144-12

21 Accordingly, any interests in these properties of Defendant Thunder Properties, Inc. remain
22 subject to the deeds of trust.

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1 The remainder of Plaintiffs' claims are dismissed without prejudice.

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3 **ORDER**

4 **IT IS SO ORDERED AND ADJUDGED.**

5 
UNITED STATES DISTRICT COURT JUDGE

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7 DATED: July 13, 2017
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CERTIFICATE OF SERVICE

Pursuant to F.R.C.P. 5(b) and Electronic Filing Procedure IV(B), I certify that on June 28, 2017 a true and correct copy of the **[PROPOSED] FINAL JUDGMENT**, was transmitted electronically through the Court's e-filing electronic notice system to the attorney(s) associated with this case. If electronic notice is not indicated through the court's e-filing system, then a true and correct paper copy of the foregoing document was delivered via U.S. Mail.

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/s/ Pamela Carmon
An Employee of Fennemore Craig, P.C.